

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Desmond Gilbert,

Plaintiff,

v.

City of Minneapolis, et al.,

Defendants.

Civ. No. 21-2350 (NEB/LIB)

**DECLARATION OF LUCAS J.
KASTER IN SUPPORT OF
PLAINTIFF'S MEMORANDUM IN
SUPPORT OF PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT**

I, Lucas J. Kaster, being first duly sworn upon oath, depose and state as follows:

1. I am over the age of eighteen.
2. I am one of the attorneys representing Plaintiff Desmond Gilbert in the above-referenced matter.
3. The OPCR closed a complaint of excessive force, blaming the complainant for not participating in the investigation, even though it had the online complaint, which outlined the individual's allegations, and having eight separate officer body worn camera videos from the incident, two of which came from Officer Kelley.
4. Attached as **Exhibit 1** to this declaration is a true and correct copy of a audio recording bates labeled City003713.
5. Attached as **Exhibit 2** to this declaration is a true and correct copy of an Incident Detail Report bates labeled City001857-1863. **FILED UNDER SEAL.**
6. Attached as **Exhibit 3** to this declaration is a true and correct copy of a General Offense Report bates labeled City001864-1900. **FILED UNDER SEAL.**

7. Attached as **Exhibit 4** to this declaration is a true and correct copy of Exhibit 18 to the Deposition of Jamy Schwartz.

8. Attached as **Exhibit 5** to this declaration is a true and correct copy of Exhibit 19 to the Deposition of Jamy Schwartz.

9. Attached as **Exhibit 6** to this declaration is a true and correct copy of a video recording bates labeled City002874.

10. Attached as **Exhibit 7** to this declaration is a true and correct copy of a video recording bates labeled City002875.

11. Attached as **Exhibit 8** to this declaration is a true and correct copy of a video recording bates labeled City003716.

12. Attached as **Exhibit 9** to this declaration is a true and correct copy of a video recording bates labeled City002886.

13. Attached as **Exhibit 10** to this declaration is a true and correct copy of a video recording bates labeled City002883.

14. Attached as **Exhibit 11** to this declaration is a true and correct copy of Exhibit 22 to the Deposition of Jamy Schwartz bates labeled City000219-269.

15. Attached as **Exhibit 12** to this declaration is a true and correct copy of the 2018 Defensive Tactics In-Service presentation bates labeled City002934-3006.

16. Attached as **Exhibit 13** to this declaration is a true and correct copy of the deposition transcript of Michael Kennedy.

17. Attached as **Exhibit 14** to this declaration is a true and correct copy of a video recording bates labeled City002882.

18. Attached as **Exhibit 15** to this declaration is a true and correct copy of a video recording bates labeled City002884.

19. Attached as **Exhibit 16** to this declaration is a true and correct copy of an Incident Detail Report bates labeled City001808-1856. **FILED UNDER SEAL.**

20. Attached as **Exhibit 17** to this declaration is a true and correct copy of the deposition transcript of Thomas Wheeler.

21. Attached as **Exhibit 18** to this declaration is a true and correct copy of a Minnesota Department of Human Rights investigation bates labeled GILBERT0000727-798.

22. Attached as **Exhibit 19** to this declaration is a true and correct copy of a Department of Justice investigation bates labeled GILBERT0000799-890.

23. Attached as **Exhibit 20** to this declaration is a true and correct copy of a settlement agreement bates labeled City003717-3725.

24. Attached as **Exhibit 21** to this declaration is a true and correct copy of the Minneapolis Police Department Policy and Procedure Manual bates labeled City000139-269.

25. Attached as **Exhibit 22** to this declaration is a true and correct copy of Exhibit 11 to the Deposition of Christopher Kelley bates labeled City002068. **FILED UNDER SEAL.**

26. Attached as **Exhibit 23** to this declaration is a true and correct copy of an OPCR complaint bates labeled City002500-01. **FILED UNDER SEAL.**

27. Attached as **Exhibit 24** to this declaration is a true and correct copy of an OPCR complaint bates labeled City002531-32. **FILED UNDER SEAL.**

28. Attached as **Exhibit 25** to this declaration is a true and correct copy of an OPCR complaint bates labeled City002586-87. **FILED UNDER SEAL.**

29. Attached as **Exhibit 26** to this declaration is a true and correct copy of an OPCR Review Panel Recommendation bates labeled City002543-48. **FILED UNDER SEAL.**

30. Attached as **Exhibit 27** to this declaration is a true and correct copy of a Discipline Panel Recommendation bates labeled City002657-58. **FILED UNDER SEAL.**

31. Attached as **Exhibit 28** to this declaration is a true and correct copy of a Notice of Discipline bates labeled City002502-03. **FILED UNDER SEAL.**

32. Attached as **Exhibit 29** to this declaration is a true and correct copy of an OPCR document bates labeled City002686-87. **FILED UNDER SEAL.**

33. Attached as **Exhibit 30** to this declaration is a true and correct copy of an OPCR document bates labeled City002511. **FILED UNDER SEAL.**

34. Attached as **Exhibit 31** to this declaration is a true and correct copy of excerpts of the personnel file of Christopher Kelley bates labeled City001423-1450, City001529-1638. **FILED UNDER SEAL.**

35. Attached as **Exhibit 32** to this declaration is a true and correct copy of various MPD Employee Complaint Profile Cards bates labeled City002066-2070. **FILED UNDER SEAL.**

36. Attached as **Exhibit 33** to this declaration is a true and correct copy of a General Offense Report bates labeled City002077-2116. **FILED UNDER SEAL.**

37. Attached as **Exhibit 34** to this declaration is a true and correct copy of an OPCR document bates labeled City002071-2072. **FILED UNDER SEAL.**

38. Attached as **Exhibit 35** to this declaration is a true and correct copy of the deposition transcript of Plaintiff Desmond Gilbert.

I declare under penalty of perjury that the foregoing is true and correct.

DATE: January 2, 2024

s/Lucas J. Kaster
Lucas J. Kaster